

July 27, 2006

**BOARD OF SUPERVISORS
COMMITTEE OF THE WHOLE
INFORMATION ITEM**

**SUBJECT: Rural Policy Area Amendments
CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042, DOAM 2005-0003,
ZMAP 2006-0002**

ELECTION DISTRICT: County-wide

A. BACKGROUND

At the July 5, 2006 Committee of the Whole meeting, the Board of Supervisors reviewed the proposed amendments to the Zoning Ordinance, Land Subdivision Development Ordinance, and Zoning Map. This package incorporates the changes to the Zoning Ordinance, LSDO, and Zoning Map as directed by the Board of Supervisors.

B. ZONING ORDINANCE. The draft amendments in Attachments 1-8 incorporate the changes as directed by the Board of Supervisors during the Committee of the Whole meetings.

1. Additional Corrections to Draft Made by Staff: Staff has reviewed the draft and has made the following changes to the draft consistent with the changes made by the Board to date:

- a. Section 5-601, Bed and Breakfast, Country Inn, Rural Retreat, Rural Resort: The Board directed staff to change the use lists for the AR-1 and AR-2 districts to identify Bed and Breakfast and County Inn as permitted uses if those facilities only have rooms. If those uses are to operate as a Banquet Facility to host weddings, private parties, etc., a Minor Special Exception is required.
 - i. The use lists for AR-1 and AR-2 have been changed to reflect a "P/M" designation for the Bed and Breakfast and County Inn uses. Section 5-601(A)(3) and 5-601(B)(2) have been changed to state that the Bed and Breakfast or Country Inn may operate as a Banquet Facility by Minor Special Exception in accordance with Section 5-642 (Additional Regulations for Banquet Facility).
 - ii. A Country Inn may also contain a restaurant that is open to the public. The Board has given direction that only the overnight accommodations portion of the inn to be by right and, therefore, staff has revised Section 5-601(B) to state that the restaurant use is permissible by Minor Special Exception.
 - iii. Rural Retreats and Rural Resorts may consist of rural recreation, restaurant/banquet facilities, and conference and training facilities. As the Rural Retreat use is more intense and contains more than just overnight accommodations, staff has changed the AR-1 and AR-2 use lists to identify Rural Retreat and Rural Resort as a Minor Special Exception use.
- b. Noise requirements. Staff changed the wording regarding the hours of outdoor noise for Bed and Breakfast [Section 5-601(A)(6)(h) and Country Inn 5-601(B)(6)(h) to state that any evening preceding a holiday recognized by Loudoun County is the day that may operate the same as a Friday or Saturday and not the holiday itself, which may have a weekday following it.
- c. Section 5-613 Accessory Dwellings. It is apparent that there was a typographical error in the July 5th Committee of the Whole staff report regarding the maximum number of accessory dwellings on an AR or RR property that included language for Section 5-613(G). The language should have stated "In the AR-1, AR-2, RR-1, RR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 20 acres." The draft has been corrected to include "20" acres instead of the "40" acres that was included in the staff report.

- d. *Section 5-614*. Section 5-614(D) has been revised to clarify that only offices of Repair service occupations and Contractors and contracting are permitted in the RR-1 and RR-2 districts.
 - e. *Section 5-1504(A) Light and Glare Standards*. The Planning Commission draft added RR-1 and RR-2 to the list of districts to which the light and glare standards apply. The references to RR-1 and RR-2 were inadvertently omitted from the Board's draft. Staff has reinserted RR-1 and RR-2.
 - f. *Section 6-703 Rural Sketch Plan*. The draft was corrected to delete a reference to Bed and Breakfast Homestay as such use has been deleted from the AR-1, AR-2, RR-1 and RR-2 use lists.
 - g. *Definition of Banquet/Event Facility*. A new definition of Banquet/Event Facility has been drafted to include the changes made to Bed and Breakfast, County Inn, Rural Retreat and Rural Resort uses.
 - h. *Definition of Small Business*. The definition of Small Business has been revised to reflect the desire of the Board to change the use of Small Business from a use that is not necessarily operated out of a residence.
 - i. *Purcellville ZOAM 2006-0001*. Please note that the zoning ordinance amendments related to municipal drinking reservoirs that were adopted April 2006 have been included in the final draft.
2. Outstanding Issues: Staff has identified the following issues that the Board may desire to address:
- a. Should the maximum lot size of a lot in a cluster be 4 acres exclusive of major flood plain? Or should "exclusive of major flood plain" be deleted?
 - b. Private Parties and Events. Staff is coordinating with the LCVA and REDC representatives per the Board of Supervisors' direction on 7/18/06.
 - c. 5-601(A)(6)(c) Bed and Breakfast. The Planning Commission deleted the additional yard requirement for the Bed and Breakfast use, choosing to only include a yard greater than the district regulations for those outdoor areas associated with Banquet Facilities. Staff has revised the additional regulations for the Bed and Breakfast use to place the additional yard requirement for a Bed and Breakfast that is also a Banquet Facility in the Banquet Facility regulations of Section 5-642.
 - d. Section 5-601(B)(7)(c). The yard standard for a Country Inn is set at 250 feet based on the recommendation of the Planning Commission. The yard requirements for the location of outdoor areas associated with a Banquet/Event Facility use have been incorporated by referencing Section 5-642, Banquet/Event Facility.
 - e. Staff is continuing to work with the County Attorney's office to insure consistency with the advertisement and this draft text.
- C. **ZONING MAP**. The proposed Zoning Map has been amended based on direction of the Board of Supervisors in the July 5, 2006 Committee of the Whole meeting. The revised map is included in your packet.
- D. **ADDITIONAL MATERIALS**. Attachment 9 includes a memorandum from staff regarding a draft checklist for the Minor Rezoning process.
- E. **COST ESTIMATE FOR MINOR SPECIAL EXCEPTION APPLICATIONS**. A cost estimate has been provided to estimate the cost of typical studies and plans required to be filed for legislative applications. The cost to process a minor special exception will depend on the submission requirements for the individual application. The cost estimate is included in Attachment 10. Staff continues to research this request.

F. LAND SUBDIVISION AND DEVELOPMENT ORDINANCE. Corrections have been made to Section 1245.10 as directed by the Board of Supervisors at the July 5, 2006 Committee of the Whole meeting. The final draft is included in Attachment 11.

G. ATTACHMENTS

- 1 Draft amendments to AR-1 of the Zoning Ordinance dated July 18, 2006. [A1-22]
- 2 Draft amendments to AR-2 of the Zoning Ordinance dated July 18, 2006. [A23-43]
- 3 Draft amendments to RR-1 of the Zoning Ordinance dated July 18, 2006. [A44-53]
- 4 Draft amendments to RR-2 of the Zoning Ordinance dated July 18, 2006. [A54-63]
- 5 Draft amendments to Articles 2 and 4 of the Zoning Ordinance dated July 18, 2006. [A64-165]
- 6 Draft amendments to Article 5 of the Zoning Ordinance dated July 18, 2006. [A166-342]
- 7 Draft amendments to Article 6 of the Zoning Ordinance dated July 18, 2006. [A343-367]
- 8 Draft amendments to Article 8 Definitions of the Zoning Ordinance dated July 18, 2006. [A368-372]
- 9 Memorandum from Melinda Artman regarding checklist for Minor Rezonings. [A-373-382]
- 10 Cost Estimates for submission requirements. [A-383]
- 11 Draft amendments to the LSDO dated July 20, 2006. [A-384-401]